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**FISCAL IMPACT STATEMENT**

**LS 7610**

**BILL NUMBER:** HB 1699

**NOTE PREPARED:** Feb 22, 2005

**BILL AMENDED:** Feb 21, 2005

**SUBJECT:** Child Abuse Reporting.

**FIRST AUTHOR:** Rep. Avery

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
X FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill allows the State Police to conduct a name-based criminal history check of persons who reside or who are expected to reside in a location where a child will be placed by the Division of Family and Children or a court if exigent circumstances prevent the State Police from conducting a fingerprint-based criminal history check. The bill requires the State Police to verify the name-based criminal history check through fingerprint identification, and permits a person who believes that the results of the name-based criminal history check are incorrect to challenge the results by submitting the person's fingerprints.

The bill removes a provision authorizing the Division of Family and Children or a juvenile probation officer to directly conduct a criminal history check, requiring instead that the juvenile probation officer or Division of Family and Children caseworker request that the State Police conduct the criminal history check. It also specifies that the Division of Family and Children, a county Office of Family and Children, a local child protective service, a local child fatality review team, or the Statewide Child Fatality Review Committee must provide a court, upon request, all records concerning the death of a child that may have been the result of abuse, abandonment, or neglect, and the court shall redact the records to exclude certain identifying information.

The bill requires a local child fatality review team and the Statewide Child Fatality Review Committee to review records concerning a child whose death may have been the result of abuse or neglect. It specifies that a child's death may have been the result of abuse or neglect if: (1) an investigation by the Division of Family and Children makes this determination; or (2) charges filed by the prosecuting attorney would cause a reasonable person to believe that the child's death may have been the result of abuse or neglect.

**Effective Date:** July 1, 2005.

**Explanation of State Expenditures:** *Criminal History Background Checks:* This bill allows the Division of Family and Children (DFC) to request the Indiana State Police (ISP) to obtain a national name-based criminal history check for all persons residing in a location designated as the out-of-home placement for a Child in Need of Services (CHINS), when the placement is an entity or facility that is a residence or that is not licensed by the state, when: (1) exigent circumstances exist which require an emergency placement of the child, or (2) the DFC will be unable to obtain criminal history information from the National Crime Information Center (NCIC) before the emergency placement is scheduled to occur. ISP reports that it is able to access the NCIC database free of charge, thus, no additional expenditures are anticipated to obtain national name-based checks.

The bill requires DFC, the caseworker, or the juvenile probation officer, within 72 hours of receiving results from the aforementioned national name-based check, to (a) use fingerprint identification to positively identify each person for which results have been received, or (b) submit the fingerprints to the Federal Bureau of Investigation (FBI) not later than 15 days after the date on which the national name-based criminal history record check was conducted.

Federal law requires fingerprints be submitted following a national name-based criminal history record check if the check is conducted for an entity such as DFC.

Current statute requires DFC to obtain a national criminal history check for all children placed with relative caretakers. As a result, additional expenditures are not anticipated. However, a decrease in the number of national criminal history checks conducted may occur. The bill requires a national name-based check be completed initially, followed with a fingerprint check (or national criminal history background check). As a result, individuals that originally would have completed a national check may not necessitate one because of failing the national name-based check. Any reduction in the number of required checks, or expenditures, are unknown.

*Background Information:* The Child Welfare League of America (CWLA) reports that in CY 2002, 18% of children were placed with relatives. This represented approximately 272 children out of a total 1,541. It is, however, important to note that this number is likely currently higher. The percentage of foster youth that are placed with relatives continues to increase annually. In addition, this number does not indicate the number of households that the children were residing in or how many individuals residing in the households would necessitate a national criminal history background check.

The fee to submit fingerprints to the FBI for verification is the same as it is to submit information to obtain a national criminal history check. The total cost for a national criminal history background check is \$39. In addition, a fingerprint card would need to be obtained. If the card is obtained through an ISP post, of which there are 18 statewide, it is free. If it is obtained from a local law enforcement agency, fees vary.

*Workload:* Previously, DFC was required to conduct the national background checks. The bill would move that requirement to ISP. As a result, DFC would likely experience a small reduction in workload, which ISP would experience an increase.

**Explanation of State Revenues:** *National Name-Based Check Fees:* The bill allows ISP to charge a reasonable fee for processing a national name-based criminal history check.

**Explanation of Local Expenditures:** *Juvenile Probation:* This bill allows a juvenile probation officer to request ISP to obtain a national name-based criminal history check for all persons residing in a location designated as the out-of-home placement, when the placement is an entity or facility that is a residence or that is not licensed by the state, when: (1) exigent circumstances exist which require an emergency placement of the child, or (2) the juvenile probation officer will be unable to obtain criminal history information from the NCIC before the emergency placement is scheduled to occur. ISP reports that it is able to access the NCIC database free of charge, thus, no additional expenditures are anticipated to obtain national name-based checks.

The bill requires the juvenile probation officer, within 72 hours of receiving results from the aforementioned national name-based check, to (a) use fingerprint identification to positively identify each person for which results have been received, or (b) submit the fingerprints to the FBI not later than 15 days after the date on which the national name-based criminal history record check was conducted.

Federal law requires fingerprints be submitted following a national name based criminal history record check if the check is conducted for an out-of-home placement of a child.

Current statute requires juvenile probation officers to obtain a national criminal history check for all youth placed with relative caretakers. As a result, additional expenditures are not anticipated. However, a decrease in the number of national criminal history checks conducted may occur. The bill requires a national name-based check be completed initially, followed with a fingerprint check (or national criminal history background check). As a result, individuals that originally would have completed a national check may not necessitate one because of failing the national name-based check. Any reduction in the number of required checks, or expenditures, are unknown.

*Background Information:* In FY 2003, 24,651 youth were placed on probation in Indiana. A consulting group for nonprofit management reports that approximately 25% to 33% of these youth were placed in foster care placements. Using these percentages, a range of 6,163 to 8,135 youth on probation are estimated to be placed in foster care placements. It should be noted that this number represents youth placed in foster family homes and with relatives. A separate number for youth placed with relatives is unknown.

*Workload:* Previously, juvenile probation officers were required to conduct the national background checks. The bill would move that requirement to ISP. As a result, juvenile probation officers would likely experience a small reduction in workload, while ISP would experience an increase.

**Explanation of Local Revenues:**

**State Agencies Affected:** Family and Social Services Administration; Indiana State Police.

**Local Agencies Affected:** Juvenile Probation.

**Information Sources:** Steve Hillman, Indiana State Police, 232-5899; Child Welfare League of America; Becky Pryor, Creative Approaches, 652-5804; Jeff Bercovitz, Indiana Judicial Center, 232-1313; *2003 Indiana Probation Report*.

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